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07/31/2001

Roger Maria Stenbock

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PORTLAND, OR 97201

EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/919,672 | Applicant(s) STENBOCK ET AL. | |
| | Examiner TUAN C. TO | Art Unit 3663 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28,29,31-35 and 50-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28,29,31-35 and 50-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's election without traverse of claims 28, 29, and 31-35 in the reply filed on 01/12/2009 is acknowledged. The new added claims 50-62 are currently examined as well as the elected claims 28, 29, and 31-35.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "web pages (33)", "web pages (34)", "parent frame (35)", "route line (38)" (see specification, page 23, lines 31 to page 24, line 38). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 28, 29, 31-35, and 50-62 are rejected under 35 U.S.C. 112 (second paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The independent claims 28 and 55 recite "software", however, it is unclear whether or not such the software is executable by a computer. Therefore, claims 28, 55, and their dependent claims are rejected under 35 U.S.C. 112(second paragraph).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 28, 29, 31-35, and 50-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson et al. (US 5999882A) and in view of Beckmann et al. (US 6606559B1).

Regarding claims 28, 29, and 55, Simpson et al. disclose a computer readable medium with a software for accessing over a computer network from a client computer a Web page having a housekeeping frame and a selected composite travel navigation chart, travel navigation chart including a travel chart merged with travel navigation waypoints". As shown in figure 2 and the illustration shown in column in column 8, lines 21-67, the client system (14) is configured to access a Web page using the browser (114). Using the browser (114), a user may request weather data, navigation map, or flight plan from the server system (12) (column 9, lines 25-60).

Simpson et al. teaches the software for indicating X, Y coordinates of each of a plurality of navigation waypoints on the selected composite travel navigation chart at the client computer. As set forth in column 10, lines 37-64, the browser (114) may invoke

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the route planner (132) to display the interface (134) including selectable travel points (138). The coordinates of each of the plurality navigation waypoints are indicated on the client system (14) in steps (206) (see figure 4). At step (206), the client may input one or more waypoints that may include longitude, latitude information of travel waypoints (see further in figure 2 and column 8, lines 54-67, the waypoints are indicated in the travel points table 112 that comprises a plurality of travel points 120).

Simpson et al. further discloses the software for drawing over the selected composite travel navigation chart on the client computer route line segments according to the X, Y coordinates, as instructed by housekeeping frame of the Web page, to generate a flight plan for preflight use by a pilot. In Simpson et al., the client device (14) is used with the browser (114) to input the travel route (see column 8, lines 46-53), and that the browser may include a route planner (132) that is configured to display an interface (134) that including a plurality of selectable travel points (see figure 3, column 9, lines 1-35). In Simpson et al., as set forth in column 10, lines 43-64, the client system (14) is configured to select a departure point by clicking the on the interactive map using an input device, and transmit the travel route to a server computer (Simpson et al., column 9, lines 48-56), wherein a plurality of navigation waypoints are indicated to be uploaded by the browser (114) (see column 9, lines 35-46).

Simpson et al. fails to disclose "the travel navigation waypoints including radio navigation aids", "the radio navigation aids that include one more VOR or NDB".

The second reference to Beckmann et al discloses a radio navigation emulating GPS system comprises the travel navigation waypoints including radio navigation aids

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(See column 7, lines 40-60; column 10, lines 54-59; column 11, lines 14-53).

Beckmann et al discloses the radio navigation aids include VOR and NDB (see column 7, lines 40-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system/method as taught by Simpson et al to include the teaching of Beckmann et al to achieve the accuracy of the GPS by retrieving coordinates corresponding to a location of the conventional navigation aid.

As to claims 31-34 Simpson et al. further teaches “displaying on the client computer less than all of the selected composite travel navigation chart that is downloaded from the server computer” (Simpson et al., figure 4, at the client system, a selected data can be displayed in response to the client’s selection).

As to claim 35, Simpson et al. further teaches: “overlaying plural text labels on the selected composite travel navigation chart and preventing any of the text labels from overlaying another” (Simpson et al., figure 6).

As to claims 50-54, Simpson et al. teaches that client system (14) communicate over the Internet with server system (12) using a Web browser or other application that provides an address or Uniform Resource Locator (URL) of the server system (12) (see column 4, lines 50-53). Therefore, it would have been obvious to apply the Web browser as taught in Simpson et al. to meet all features recited in the claims.

As to claim 56, Simpson et al. further including a vector drawing extension to the browser on the client computer to draw the route line segments (see figure 3).

As to claims 57, and 58, Simpson et al. further disclose a web browser for displaying on the client computer (14) less than all of the selected composite flight navigation chart that is downloaded from the server computer (12) (see figure 2, and figure 9, the only information associated with travel points is retrieved after the waypoints are received in steps 258).

As to claims 59-62, Simpson et al. teaches that client system (14) communicate over the Internet with server system (12) using a Web browser or other application that provides an address or Uniform Resource Locator (URL) of the server system (12) (see column 4, lines 50-53). Therefore, it would have been obvious to apply the Web browser as taught in Simpson et al. to meet all features recited in the claims.

Response to Arguments

The applicant's request of continued examination filed on 6/5/2008 and the amendment to the claims filed on 01/12/2009 have been fully considered. However, the application is not currently set in a condition for allowance since the current cited reference still suggests the limitations recited in the claims.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan C To/

Primary Examiner of Art Unit 3663/3600

January 14, 2009

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